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OFFICE OF PETITIONS

In re Application of :
William W. Anderson et al. :
Application No. 09/986,320 : DECISION GRANTING PETITION
Filed: November 8, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 18180.0150 :

This is a decision on the petition, filed June 5, 2003, under 37 CFR 1.137(f), which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application.

The petition is Dismissed as Moot.

An applicant who makes a nonpublication request under 35 U.S.C. 122 (b) (2) (B) (i) and then rescinds (pursuant to 35 U.S.C. § 122 (b) (2) (B) (ii) the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the nonpublication request **before on the date a counterpart application is filed in an eighteen-month publication country**, the nonpublication request will be treated as annulled and the application will be treated as if the nonpublication request were never made. See Notice published on www.USPTO.gov on June 6, 2003, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122 (b) (2) (B) (ii) - (iv).

In the instant application, a notice to rescind was filed on the same date as the filing date of a corresponding application in a foreign country. Therefore, since the request to rescind was received on the same date as the filing date of a corresponding application in a foreign application resulting in the annulling of the nonpublication request, this application is not regarded as abandoned. As such, the filing of a petition to revive is unnecessary and is dismissed as involving a moot issue.

Since this application is not in fact abandoned for the reason stated above, the petition fee of \$1300 is being credited to Deposit Account No. 19-5127 as authorized.

Any inquiries concerning this decision may be directed to Latrice Bond at (703) 308-6911.

This application is being forwarded to Technology Center Art Unit 2665 for examination in due course.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Frances Hicks
Lead Petitions Examiner

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request